

BOARD OF CODE STANDARDS AND APPEALS MINUTES

March 1, 2010

Members: Francisco Banuelos, Randy Coonrod, Daryl Crotts, Randy Harder, Richard Hartwell, Bernie Hentzen, Ed Murabito, Warren Willenberg, John Youle

Present: Banuelos, Coonrod, Harder, Hartwell, Hentzen, Murabito, Youle

Staff Members Present: Kurt Schroeder, Penny Bohannon, Paul Hays, Rick Stubbs, Richard Brown, Elaine Hammons (Central Inspection); Jeff VanZandt (Law Department); Fire Marshal Brad Crisp (Wichita Fire Department)

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Hentzen on Monday, March 1, 2010, at 1:33 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

Approval of the February 1, 2010, minutes.

Board Member Murabito made a motion to approve the February 1, 2010, minutes. Board Member Banuelos seconded the motion. The motion was approved.

Approval of the 2009 Annual Report to the City Manager and City Council.

Board Member Coonrod made a motion to approve the 2009 Annual Report to the City Manager and City Council. Board Member Harder seconded the motion. The motion carried.

Approval of the March 2010 license examination applications as follows:

<u>Name</u>	<u>Class</u>	<u>Date</u>
Gregory S. Herdt	Swimming Pool	March 2010

Board Member Youle made a motion to approve the license examination applicant for testing. Board Member Harder seconded the motion. The motion was approved without opposition.

Condemnation Hearings

Review Cases:

1. 614 N. Cleveland

The property owner, Stephanie Hyde, was present.

This structure is a one-story commercial building about 90 x 45 feet in size. Vacant and open, this structure has rotted and missing siding and the roof has collapsed.

A number of repairs have been made to the structure. New windows and doors are being installed and are almost complete. A Neighborhood Inspector was on site that morning and verified the progress. Some painting needs to be done, but Ms. Hyde confirmed that she will complete the painting once the weather is warmer and remains dry. All debris has been removed from the site.

Board Member Hartwell asked Ms. Hyde if she could finish the required repairs with an extension of thirty days. Ms. Hyde agreed that thirty days should be adequate if the weather remains good.

Board Member Hartwell made a motion to allow an additional thirty days for the completion of the repairs. Board Member Youle seconded the motion. The motion was approved.

New Cases:

1. 641 N. Volutsia

Craig Gable, an interested party, was present on behalf of this property.

A two-story frame dwelling about 37 x 22 feet in size, this structure has been vacant for at least ten years. The structure has cracking concrete block basement walls; rotted wood lap siding; badly worn composition roof with holes and missing shingles; deteriorated front and rear porches; and the wood trim and framing members are rotted.

The 2009 taxes are delinquent in the amount of \$396.23; a current Special Assessment for lot clean up in 2009 has been assessed against the property in the amount of \$1,075.00. The premise conditions are fair; however, there was tree debris on the site at the last site inspection. Formal condemnation action was initiated on the property on December 18, 2009. As of February 23, 2010, no repairs had been started on the property; however, the structure was secure.

Addressing the Board, Mr. Gable said the property owner is deceased. Mr. Gable told the Board that he had been in contact with the realtor of the property; the realtor had planned to attend the hearing, but was unable to attend. Mr. Gable said that the realtor indicated to him that he could provide the name of a contact person for the property. He asked for thirty days to allow time to make contact with a valid representative of the property and to clear up the issue with ownership. In the meantime, Mr. Gable said he would maintain the site in a secure and clean condition.

Board Member Coonrod made a motion to allow thirty days for the issue of ownership to be clarified, and for Mr. Gable to make contact with the owner as an interested party and report back to the Board. Board Member Hartwell seconded the motion. The motion passed.

2. 1737 N. Madison

Della McFall and Dorothy Douglas, daughters of the deceased owner, attended the meeting on behalf of the property.

Approximately 28 x 45 feet in size, this one-story frame dwelling has been vacant for at least two years. This structure has shifting and cracking concrete basement walls; rotted wood lap siding; badly worn composition roof with missing shingles; rotted wood trim and rafter tails; and the front, south and north side porches are deteriorated.

An active housing case was initiated on this property in December of 2007. Since that time, a number of notices were issued to the owner of record. In October of 2009, a nuisance case against the property required Central Inspection to have an abandoned vehicle towed from the site. The 2008 and 2009 property taxes are delinquent in the approximate amount of \$423.00. At the last site inspection, it was noted that a small pile of tree waste was on the premise. The building was secure, and other than the tree waste, the premise was in good condition. As of February 19, 2009, no repairs had been started.

Ms. McFall told the Board that she and Ms. Douglas were planning to consult with their other siblings to determine whether the property was worth salvaging. Board Member Youle asked Ms. McFall if she and Ms. Douglas would be able to consult with their siblings within the next thirty days to evaluate the property and make a determination for their plan of action. Ms. McFall agreed that thirty days should allow enough time to formulate a plan of action.

Board Member Youle made a motion that the Board grant thirty days for the siblings to confer about the property condition and decide on a course of action, with a representative for the siblings appearing before the Board at the April meeting to update the Board on the status of the property. Board Member Harder seconded the motion. The motion carried.

3. 1619 N. Fairmount

No one was present at the hearing as a representative of this property.

This is a two-story frame dwelling approximately 54 x 45 feet in size. Vacant for at least a year, this structure has cracking and shifting concrete basement walls and foundation; rotted and missing stucco siding; deteriorated front porch; rotted wood trim and framing members; and the 21 x 35 foot accessory structure is in fair condition.

Since February 28, 2002, two notice of improvements and numerous violation notices have been issued. Some interior repairs were begun In January 2008; there have been no repairs made to the exterior.

Board Member Harder made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin razing the structure, and ten days to finish removal of the structure. Board Member Youle seconded the motion. The motion was approved.

4. 838 S. Topeka

Robert Carstedt, owner, was in attendance.

Vacant for at least ten months, this two story frame dwelling is about 39 x 44 feet in size. This structure has been badly damaged by fire. It has fire damaged, rotted and missing siding; fire damaged and badly worn composition roof with holes and missing shingles; deteriorated front porch; and the wood trim and framing members are rotted.

The active housing file was started on this property June 19, 1996. The Wichita Police Department requested OCI assistance with this property in 1999, 2001 and 2002. From 1999 through 2008, repairs progressed resulting in some violations being cleared. On January 8, 2007, OCI staff completed an Emergency Board-up on this property at a cost of \$194.34. In April 2009, this property was badly damaged by a fire. On February 11, 2010, a Neighborhood Nuisance Enforcement case was initiated on this property. The 2007, 2008, and 2009 taxes are delinquent in the amount of \$2,180.00. The formal condemnation proceedings were initiated in December of 2009. As of February 18, 2010, no repairs had been started on the property.

Mr. Carstedt explained to the Board that personal health issues had prevented him from making repairs to the property. Almost completely recovered from a debilitating injury, Mr. Carstedt said he intends to repair the property. He said he had lined up individuals to start work in April, hoping to get the roof on and board up the structure within the next sixty days.

Chairman Hentzen inquired whether Mr. Carstedt had received insurance monies to fund the repairs. Mr. Carstedt said there were no insurance monies available. Board Member Harder asked if he had funds available for the repairs. Mr. Carstedt said he had enough money to repair the roof, clean up the rear side of the property, repair the structural damage, and board up the structure. Board Member Murabito asked whether he would be able to pay the delinquent taxes. Mr. Carstedt replied that he could pay the taxes for 2007 and 2008.

Board Member Harder made a motion to allow thirty days for Mr. Carstedt to formulate a plan for repairing the property, obtain an estimate for the cost of such repairs, determine whether he will have the necessary funds available, and reappear before the Board to report on the status. Board Member Murabito seconded the motion. The motion passed.

5. 1002 N. Ohio

Victor Scott, Chairman of the church's board, attended.

A one-story commercial building about 20 x 12 feet in size, this building has been vacant for at least four years. The structure has a cracking concrete foundation; rotted and missing siding; sagging and badly worn composition roof, with holes and missing shingles; and the wood trim and framing members are rotted.

In July of 2005, an active case was initiated on this property. Since that time, a number of notices have been issued. Central Inspection has abated both lot clean up and weed mowing on this site. The church purchased the property in 2009, and notified Central Inspection of the intent to demolish the structure by the end of 2009. The 2009 taxes are delinquent in the amount of \$122.58. The premise is in good condition; the structure is secured; no repairs have been made.

Mr. Scott informed the Board that the church purchased the property with the intent of demolishing it. The church has received three bids for demolition; however, Mr. Scott said the church wants to wait until April 30th to review the available funds after the end of the first quarter.

Board Member Harder made a motion to allow ninety days for the demolition of the structure, or the property will be referred to the City Council with a recommendation of condemnation, with ten days to begin wrecking of the structure and ten days to complete the demolition. Board Member Banuelos seconded the motion. The motion was approved by the Board.

Mr. Schroeder explained the procedure involving the referral of the property to the City Council for condemnation.

6. 2127 S. Washington

There was no representative present for this property.

Vacant and open, this one-story frame dwelling is about 42 x 53 feet in size. The structure has been badly damaged by fire. It has fire damaged wood lap siding; fire damaged composition roof, with holes and missing shingles; and the 10 x 12 foot accessory structure is fire damaged and deteriorated.

Board Member Murabito made a motion to submit the property to the City Council for condemnation, with ten days to begin demolition, and ten days to finish removal of the structure. Board Member Harder seconded the motion. The motion carried.

7. 6024 S. Minneapolis

No agent represented this property.

A one-story frame dwelling about 38 x 26 feet in size. Vacant and open, this structure has rotted masonite siding, sagging and badly worn composition roof, with holes and missing shingles; deteriorated front porch; deteriorated soffits and fascia; and the 16 x 24 foot accessory structure is in fair condition.

Board Member Banuelos made a motion to send the property to the City Council for formal condemnation action, with ten days to initiate wrecking, and ten days to finish demolition. Board Member Youle seconded the motion. The motion was approved.

8. 1559 N. Emporia

No party attended on behalf of this property.

A two-story frame dwelling about 40 x 62 feet in size, this building has been vacant for at least four months. The structure has a sagging and badly worn composition roof with holes and missing shingles; dilapidated front porch; and the 8 x 8 foot accessory structure is in fair condition.

The 2006, 2007, 2008, and 2009 taxes are delinquent in the amount of \$3,070.61, which includes specials and interest. Repairs progressed in 2000, 2007, and 2009, resulting in some of the violations being cleared. As of February 24, 2010, no further repairs had been made; however, the structure was secure.

Board Member Harder made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin wrecking the building, and ten days to complete removal. Board Member Coonrod seconded the motion. The motion carried.

9. 1611 N. Topeka

There was no representative in attendance for this property.

Vacant for at least two years, this 1-½ story frame dwelling is about 27 x 49 feet in size. This structure has a cracking concrete foundation; badly worn composition roof, dilapidated front porch; and the wood trim is rotted.

Since February 14, 2004, a notice of improvement and numerous violation notices have been issued. This property was before the BCSA on an Unfit for Habitation case in June 2007. The BCSA found structure unfit for habitation and issued an order that it be vacated, and demolished. The 2004, 2005, 2006, 2007, 2008, and 2009 taxes are delinquent in the amount of \$3,681.52, which includes interest. A 2010 Special Assessment in the amount of \$124.23 has been assessed against the property for weed mowing.

Board Member Harder made a motion to send the property before the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete demolition. Board Member Coonrod seconded the motion. The motion was approved.

10. 1258 N. Fairview

No one attended the hearing on behalf of this property.

Damaged by fire, this one-story frame dwelling is about 24 x 41 feet in size, and has been vacant for at least eight months. This structure has been. It has a shifting concrete block foundation; deteriorated wood panel siding; and the 20 x 18 foot accessory structure is deteriorated.

There is a 2010 special assessment for lot cleanup in the amount of \$772.65.

Board Member Youle made a motion to submit the property to the City Council with a recommendation of condemnation, with ten days to initiate razing the structure, and ten days to finish the wrecking. Board Member Harder seconded the motion. The motion passed.

Final review and recommendation on proposed 2009 IBC amendment package/adopting ordinance.

At the February 1, 2010, meeting, the Board agreed to table further discussion until the March 2010 meeting on the 2009 IBC (International Building Code), and the decision whether or not to make a recommendation to the City Council to adopt the 2009 IBC with the proposed amendment package. Board Member Crofts had raised a question at the February meeting regarding the height provision on buildings that would require a separate elevator for emergency responders for structures over 120 feet above the lowest level of fire department vehicle access.

Addressing the Board, Mr. Stubbs explained that amending Section 3007 of the 2009 IBC would necessitate amending other sections of the 2009 IBC, as well as sections of the IFC (International Fire Code) and Elevator codes, which have requirements that are triggered by the requirements in Section 3007 of in the 2009 IBC.

The use of a protected elevator as a public elevator is in question, but a possible option could be using the emergency responder elevator as a freight elevator when it was not in use for its specific purpose. Suggesting an amendment to change the height provision that would initiate the requirement for the separate emergency responder elevator would not resolve the issue. The study and analysis upon which the 120-foot requirement to add an emergency responder elevator is based would require a sound argument for changing that height.

Mr. Stubbs pointed out that Central Inspection has always been agreeable to looking at other alternatives to code requirements, as long as the alternatives would meet with the intent of the code. The recommendation from Central Inspection was that Section 3007 of the 2009 IBC be left intact, without amendment. The basis for Central Inspection's recommendation was that any structure affected by the requirement for a separate, protected emergency responder elevator would have to be at least a minimum of twelve or thirteen stories; existing structures of that height would fall under the IEBC (International Existing Building Code) requirements for remodeling.

Board Member Youle inquired whether the requirement in Section 3007 was based strictly on emergency exiting. Mr. Stubbs explained that the stipulations were intended to provide emergency responders with increased safety in order to enable rescue and firefighting efforts in what are generally extremely high-risk environments.

Chairman Hentzen asked if the occupants of such a structure would be able to use the emergency responder elevator for egress in case of fire or some other emergency situation. Mr. Stubbs replied that the elevator would be programmed to be "out of use," except for emergency responders.

Fire Marshal Crisp explained that there are several purposes for the protected enclosure for a fire service elevator; it would provide an "area of refuge" for firefighters and occupants at each floor, including the lobby. Specified as a one-hour fire rated area, the protected enclosure would provide a safe place for occupants to wait for rescue in the event they were unable to self-evacuate due to an injury or mobility issue. The separate elevator would also permit firefighter ingress without interfering with occupant egress. In a fire event, regular passenger elevators cannot be used except for possibly moving equipment; the separate emergency responder elevator would allow firefighters to quickly move people and equipment as needed and to do so in a safer manner since it would be in its own protected enclosure.

Deliberating the possibility of tenants using emergency responder elevators for daily use, Fire Marshal Crisp said the Wichita Fire Department was looking at the best practices of other fire departments that have more experience with the separate emergency responder elevators.

Rod M. Stewart, a member of the CCIM (Certified Commercial Investor Membership) asked to address the Board regarding the proposed adoption of the 2009 IBC and the proposed amendment package. Mr. Stewart expressed his opinion that the separate emergency responder elevator and the requirement for installing fire sprinklers in apartment buildings would add a cost burden to property owners during a stretch of economic difficulties. According to statistics shared by Mr. Stewart, Wichita has one of the lowest rental rates in the country, and currently has only a 15% vacancy. The requirement for fire sprinklers in new apartment building construction would increase costs by \$3.00 per square foot, and an additional cost of fifty cents per square foot for maintenance of the sprinklers. He said that current technology is adequate for fire safety without making fire sprinklers required in new apartment construction, and stated that the City of Wichita should remain under the 2006 IBC.

Board Member Coonrod reported that after speaking with architects and contractors, he did not believe that adopting a newer version of the IBC was in the best interest of the construction community because of the economy. He suggested that any further consideration of adopting a new version of the IBC wait until the next code cycle in 2012. At that future date, all building codes, as well as trade codes, could be amended and adopted by the City of Wichita during that cycle.

Board Member Murabito commented that a structural system with adequate firewall systems would be more reasonable and immediate solution to the proposed adoption of the 2009 IBC,

Board Member Coonrod made a motion to recommend that the City Council retain the 2006 IBC and its current amendments. Board Member Harder seconded the motion. The motion carried.

Final review and recommendation on 2009 IFC amendment package/adopting ordinance.

Board Member Harder made a motion that the code committee reviewing the 2009 IFC review the 2006 IFC and reappear before the Board with a proposed amendment package and adopting ordinance for the 2006 IFC. Board Member Youle seconded the motion. The motion passed.

Reconsideration of recommendation on proposed 2009 IRC amendment package/adopting ordinance.

The consensus of the Board was that there was no need to reconsider recommendation of the proposed 2009 IRC amendment package and adopting ordinance.

With no other business to conduct, Board Member Coonrod made a motion to adjourn the meeting. Board Member Hartwell seconded the motion. The motion carried.

The meeting adjourned at 2:48 p.m.